

Remarks

This is in response to the Office Action mailed January 12, 2004 and Advisory Action mailed May 3, 2004. Claims 2-4 and 7 have been canceled without prejudice or disclaimer, and claim 1 has been amended to incorporate subject matter from canceled claims 2-4 and 7. Claims 6 and 8 have been amended to be consistent with claim 1. Claims 1, 5, 6, and 8-10 remain pending. Reconsideration and allowance are respectfully requested in view of the following remarks.

In section 1 of the Office Action, claims 1-3, 5-7, and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Takekoshi et al., U.S. Patent No. 5,600,619, in view of Park, U.S. Patent No. 5,986,998. This rejection is respectfully traversed.

Claim 1 recites, among other limitations:

- the semiconductor laser element array comprises at least a first laser element and a second laser element that have different lasing wavelengths from each other, the second laser element having a height adjusting buffer layer; and
- the semiconductor laser element array and the objective lens are each fixed to the movable portion so that an optical positional relationship between the semiconductor laser element array and the objective lens remains fixed and an optical axis of a semiconductor laser element having a shortest wavelength among the semiconductor laser element array is kept aligned with a center of an optical axis of the objective lens.

It is advantageous to include a height adjusting buffer layer for the second laser element, as recited in claim 1, to minimize variance in the height of the light emitting spots of the laser beams having the different wavelengths, thereby allowing for ease in optical adjustment of the optical pick-up and suppression of lens aberrations. As a result, the optical characteristics of the second laser element can be stabilized, increasing reliability. Application, p. 6, ll. 27-35. Further, displacement of the semiconductor laser element array is minimized with the optical axis of the semiconductor laser element having the shortest wavelength being aligned with the center of the optical axis of the objective lens, as recited in claim 1. Therefore, the influence of lens aberrations can be reduced. Application, p. 17, ll. 24-33.

The rejection notes that Takekoshi fails to suggest a plurality of semiconductor laser elements mounted on a moveable portion, as well as that an optical axis of the semiconductor laser element having the shortest wavelength is aligned with the center of the optical axis of the objective lens.

As noted in the previous response, Park discloses an optical pickup having only an objective lens that is movable, with the remaining optical components, including the semiconductor laser elements, being fixed independently from the objective lens. Therefore, Park fails to disclose or suggest a semiconductor laser element array and an objective lens that are each fixed to the movable portion so that an optical positional relationship between the semiconductor laser element array and the objective lens remains fixed and an optical axis of a semiconductor laser element having a shortest wavelength among the semiconductor laser element array is kept aligned with a center of an optical axis of the objective lens, as recited by claim 1.

Further, as illustrated in Figure 4 of Park, the layers on the side of VCSEL 41 and the layers on the side of VCSEL 51 have the same configuration. Therefore, Park fails to suggest a second laser element having a height adjusting buffer layer, as recited by claim 1.

Reconsideration and allowance of claim 1, as well as claims 5-7 and 10 that depend therefrom, are respectfully requested for at least these reasons.

In section 2 of the Office Action, claim 4 was rejected under section 103(a) as being unpatentable over Takekoshi and Park and further in view of Imafuji, U.S. Patent No. 6,546,035. This rejection is respectfully traversed, and the correctness of the rejection is not conceded.

However, claim 4 has been canceled without prejudice or disclaimer.

In addition, the present application (serial no. 09/867,498) and Imafuji were, at the time the invention of the present application was made, owned by Matsushita Electronics Corporation, which subsequently has been merged with Matsushita Electric Industrial Co., Ltd. Therefore, Imafuji is not a proper prior art reference under 35 U.S.C. § 102(e)/103. See 35 U.S.C. § 103(c); and MPEP 706.02(l)(1)-(3). Removal of Imafuji from consideration as a prior reference under sections 102(e)/103(a) is respectfully.

In section 3 of the Office Action, claims 8 and 9 were rejected under section 103(a) as being unpatentable over Takekoshi and Park and further in view of Nakanishi, U.S. Patent No.

6,473,248. This rejection is respectfully traversed, and the correctness of the rejection is not conceded.

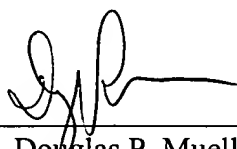
Claims 8 and 9 both depend directly or indirectly from claim 1. Nakanishi fails to remedy the shortcomings of Takekoshi and Park noted above with respect to claim 1. Therefore, claims 8 and 9 should be allowable for at least the same reasons as those provided above with respect to claim 1. Reconsideration and allowance are respectfully requested.

Favorable reconsideration in the form of a Notice of Allowance is respectfully requested. If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicants' primary attorney-of record, Douglas P. Mueller (Reg. No. 30,300), at (612) 371-5237.

Respectfully submitted,

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